

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

AMERICAN CIRCUIT BREAKER  
CORPORATION  
(a New York corporation)

Plaintiff

v.

INTERSPAN CANADA, INC.  
(a Canadian corporation)

and

JAMES W. ROBINSON  
(a Canadian citizen)

Defendants

Civil Action No. 98-2242(CC)

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CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

FINAL JUDGMENT

The parties having resolved all issues of fact and law in dispute in this civil action and having settled all matters in this civil action; and this action being in condition for entry of Final Judgment herein, it is therefore ORDERED, ADJUDGED AND DECREED that:

(1) This Court has jurisdiction over the subject matter and the parties under § 39 of the Federal Trademark Act, 15 U.S.C. § 1121, and the Judicial Code, 28 U.S.C. §§ 1331, 1332(a) and (c), 1338 and 1367.

(2) Plaintiff, American Circuit Breaker Corporation, is the owner of the trademark STAB-LOK and the Configuration Trademarks shown in Exhibit A hereto (hereinafter the "Configuration Trademarks") in the United States and its territories and possessions including the Commonwealth of Puerto Rico (hereinafter the "United States and its territories"); is the owner of U.S.

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Trademark Registration Nos. 1,509,086, 2,028,062, 2,028,063, 2,028,064, 2,028,066 and 2,046,856 thereof annexed hereto as Exhibits B-G, respectively; and has the exclusive right to use said trademarks in the United States and its territories.

(3) The trademark STAB-LOK, the Configuration Trademarks, and Registration Nos. 1,509,086, 2,028,062, 2,028,063, 2,028,064, 2,028,066 and 2,046,856 thereof are each valid, subsisting and enforceable as against Defendants in the United States and its territories.

(4) The unauthorized use by Defendants of the trademark STAB-LOK and/or any of the Configuration Trademarks in connection with the advertising, marketing, distribution, offering for sale, and/or sale of circuit breakers in the United States and its territories is likely to cause confusion with respect to the source and/or sponsorship of such goods.

(5) Defendants and each of their respective agents, employees, servants, successors and assigns, and all others in privity or acting in concert therewith, are hereby permanently enjoined from engaging in the following conduct in the United States and its territories:

(a) The unauthorized use of the trademark STAB-LOK and/or any other trademark or designation confusingly similar thereto; and/or

(b) The unauthorized use of any one or more of the Configuration Trademarks or any other circuit breaker configuration which embodies and/or is confusingly similar to any of the Configuration Trademarks.

(6) Defendants shall pay to Plaintiff the sum of Fifteen Thousand Dollars U.S. (\$15,000) in lieu of an award of attorneys' fees.

(7) All claims pleaded by Plaintiff against Defendants or which Plaintiff could, as a matter of right, have pleaded against Defendants arising out of the conduct complained of in this civil action, except Plaintiffs claims for injunctive relief and an award of attorneys fees granted by ¶¶ 5 and 6 hereof, respectively, and all counterclaims which Defendants could, as a matter of right, have pleaded against Plaintiff are hereby dismissed with prejudice with each party to bear its own costs.

(8) This Final Judgment shall be binding upon Plaintiff and Defendants and their respective officers, agents, servants, employees, attorneys, and successors and assigns, and upon those persons in active concert or participation with them who receive actual notice thereof by personal service or otherwise.

(9) In accordance with § 34 of the Federal Trademark Act, 15 U.S.C. § 1116, the Clerk of the Court shall notify the Commissioner of Patents and Trademarks of the entry of this Final Judgment who shall enter it upon the records of the Patent and Trademark Office.

DONE AND ORDERED at San Juan, Puerto Rico this 25<sup>th</sup> day of

August, 1999.



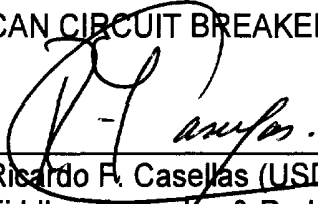
United States District Judge

The parties hereto consent to the entry of the foregoing Final Judgment and waive any and all rights of appeal.

AMERICAN CIRCUIT BREAKER CORPORATION

Date: August 23, 1999

By: \_\_\_\_\_

  
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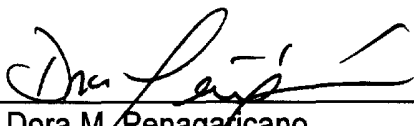
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Date: August 23, 1999

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